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EXAMINER

BOVEJA, NAMRATA

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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/665,482	KIM, PETER H. I.	
	Examiner	Art Unit	
	Namrata Boveja	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17, 19-26 and 28-38 is/are pending in the application.
- 4a) Of the above claim(s) 33-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 05/16/2007.
2. Claims 4, 18, and 27 have been cancelled. Claims 1-3, 5-17, 19-26, 28-32, and 37-38 are presented for examination.
3. Amendments to claim 30 has been entered and considered. Amendment to claim 33 has not been entered or considered, since it was not previously elected by the Applicant in response to the restriction requirement.
4. Prosecution on the merits of this application is reopened on claims 1-3, 5-17, 19-26, 28-32, and 37-38 considered unpatentable for the reasons indicated below: the claimed invention is anticipated by Hamlin et al (6,477,504 hereinafter Hamlin) or is obvious in view of Hamlin, Boe et al. Patent Number 6,236,975 (hereinafter Boe), the Article titled "The Media Business; G.M. Sets Big Ad Pact With NBC," by Jeremy Gerard, published in The New York Times on May 1, 1990 on page D.1 (hereinafter Gerard), and the Article titled "Ratings Debate Revs Up Critics say TV's attempt at self-regulation plan won't curb controversial show content," by Nancy McAlister, published in Florida Times Union on January 20, 1997 on page B.1 (hereinafter McAlister).
5. The previously made restriction requirement is still deemed proper and is therefore made FINAL.
6. Previously submitted claims 33-36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
 - I. Claims 1, 3, 11-15, 17, 25-26, 28-32, and 37-38, drawn to a method and system for providing a centralized polling environment,

comprising the steps of creating and archiving polls in a storage area, searching the archived poll by selecting polls that are more relevant to a user based on the user responses to previous polls, placing polls on a web page, wherein archiving includes comprises of seeking and obtaining approval based on poll content, delivering the web page to a user, and building a user profile based on said interaction, classified in class 705, subclass 14.

- II. Claims 33-36, drawn to a method for providing a centralized polling environment, comprising the steps of receiving and archiving a first poll from a first user, selecting a first poll for placement in a web page corresponding to a first affiliate, based on the identity of said first affiliate and second affiliate and first user and second user requesting the page respectively, delivering the first poll to the first affiliate to permit viewing and interaction in real time by first user and to the second user, updating the profile for said first user and the second user based on the interaction, wherein first customer and first affiliate are different, and classified in class 705, subclass 14.

7. Inventions of groups I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of group II has separate utility such as selecting a first poll for

placement in a web page corresponding to a first affiliate, based on the identity of said first affiliate and first user requesting the page, delivering the poll to the first affiliate to permit viewing and interaction in real time by first user and to the second user, updating the profile for said first user and the second user based on the interaction, wherein first customer and first affiliate are different, which does not involve searching the archived poll by selecting polls that are more relevant to a user based on the user responses to previous polls, building a user profile based on said interaction, and having a single user instead of two users. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33-36 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicant's election with traverse of claims 33-36 in the reply filed on is acknowledged. The traversal is on the ground(s) that the two groups are obvious variants of each other and do not pose a serious burden on the Examiner. This is not found to be persuasive because the two groups of claims are different in scope. For example, claim 1 starts out by creating a poll and assigning a rating to it and selecting polls based on user's previous responses and a rating of the affiliate website. On the

*other hand, claim 33 starts out by receiving a poll created by a user and selecting polls based the identity of an affiliate and the identity of the user. Therefore, the independent claims of group I are different in scope than the claims of group II, and they would require the Examiner to do another search. **The restriction requirement is still deemed proper, and is therefore made FINAL.***

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. *Claim 15 is rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (ex. claim 15: system comprising an application server and a web server), but subsequently the claims then deal with the specifics of a method (the steps) executed by the administrative processor means (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).*

9. *Claims 16, 17, and 19-24 are rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the steps such as ex. claim 16: forming a question, claim 17: seeking and obtaining approval, claim 19: searching for matching terms, claim 20: defining said matching terms, claims 21 and 22: embedding a new reference link, claim 23: positioning selected polls, and claim 24: refreshing Webpage and providing results) executed by various functions (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).*

10. *Claim 25 is rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin*

by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the step of establishing an audience rating by selection from a group) (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

11. Claim 26 is rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the steps of building a new profile for a user) (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

12. Claim 28 is rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added).

The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the step of archiving said new profile in said first database) executed by the building function (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

13. Claim 31 is rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). *The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (ex. claim 31: system comprising an application server and a web server), but subsequently the claims then deal with the specifics of a method (the steps) executed by the administrative processor means (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).*

14. *Claim 32 is rejected under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. 35 U.S.C 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). The applicants claims mentioned above are intended to embrace or overlap two different statutory classes of invention as set forth in 35 U.S.C 101. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the steps of building a new profile for a user) (see rejection of claims under 35 U.S.C 112, second paragraph below, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 U.S.C 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).*

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. *Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no support for the limitation of archiving said polls in a storage area based on said audience rating. Additionally, there is no support for the limitation of*

searching said archived polls. Furthermore, the Applicant has failed to identify support for these limitations in the specification in the submitted amendment. It is interpreted to mean that the polls are approved and then stored and targeted polls are served.

Appropriate correction is required.

16. *Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.*

Specifically, there is no support limitation of said archiving step further comprises seeking and obtaining approval to archive based on said audience rating of each of said polls. Furthermore, the Applicant has failed to identify support for this limitation in the specification in the submitted amendment. It is interpreted to mean that approval is sought and received for the polls and then the polls are stored. Appropriate correction is required.

17. *Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no support for the limitation of archiving said new polls in said first database based on said audience rating. Additionally, there is no support for the limitation of searching said archived polls. Furthermore, the Applicant has failed to identify support for this limitation in the specification in the submitted amendment. It*

is interpreted to mean that the polls are rated and then stored and targeted polls are served. Appropriate correction is required.

18. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no support limitation of said archiving function further comprises seeking and obtaining approval to archive based on said audience rating of each of said new polls. Furthermore, the Applicant has failed to identify support for this limitation in the specification in the submitted amendment. It is interpreted to mean that approval is sought and received for the polls and then the polls are stored. Appropriate correction is required.

19. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no support for the limitation of said archiving step further comprises seeking and obtaining approval to archive based on said audience rating of each of said new polls. Additionally, there is no support for the limitation of searching said archived polls to provide a selected set of said polls. Furthermore, the Applicant has failed to identify support for this limitation in the specification in the submitted amendment. It is interpreted to mean that approval is sought and received for the polls

and then the polls are stored and targeted polls are served. Appropriate correction is required.

20. *Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no support for the limitation of said archiving function further comprises seeking and obtaining approval to archive based on said audience rating of each of said new polls. Additionally, there is no support for the limitation of searching said archived polls to provide a selected set of said polls. Furthermore, the Applicant has failed to identify support for this limitation in the specification in the submitted amendment. It is interpreted to mean that approval is sought and received for the polls and then the polls are stored and targeted polls are served. Appropriate correction is required.*

21. The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

There are two separate requirements set forth in this paragraph:

- (A) the claims must set forth the subject matter that applicants regard as their invention; and
- (B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, it is unclear what the Applicant means by archiving said polls in a storage area based on said audience rating. Since archiving was not found in the specification, archiving is interpreted to mean storing. Additionally, storing based on audience rating is interpreted to mean that the polls are approved and then stored.

It is also unclear what the Applicant means by determining an audience rating level. Since no support was found for determining in the specification, it is interpreted to mean that an audience rating is assigned. Furthermore, per Applicant's specification, the rating is assigned to the content of the website and not the website itself.

It is additionally unclear what the Applicant means by searching said archived polls. Since no support was found for searching said archived polls, it is interpreted to mean serving targeted polls.

22. Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, since archiving was not found in the specification, archiving is interpreted to mean storing. It is unclear what the Applicant means by said archiving (i.e. storing) step further comprises seeking and obtaining approval to archive (i.e. store) based on said audience rating of each of said polls. This is indefinite, since how can storing, which is a step, further comprise seeking and obtaining approval, which are

additional steps. For example, in approving something, you may answer the question Yes, it's approved or No, it's not approved, so it is unclear how can storing be comprised of approving. It is interpreted to mean that you seek and obtain approval, and then you store the polls.

23. *Claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Specifically it is unclear what the Applicant means by said searching step further comprises defining said matching terms. This is indefinite, since how can searching, which is a step, further comprise defining said matching terms, which is an additional step. It is interpreted to mean that you first define said matching terms and then you search those terms.

24. *Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Specifically it is unclear what is meant by archiving said new profile, and it is interpreted to mean store new profile.

25. *Claim 15 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 15 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (ex.

claim 15: system comprising an application server and a web server), but subsequently the claims then deal with the specifics of a method (the steps) executed by the administrative processor means.

Claim 15 is also indefinite, since it is unclear what the Applicant means by archiving said new polls in said first database based on said audience rating. Since archiving was not found in the specification, archiving is interpreted to mean storing. Additionally, storing based on audience rating is interpreted to mean that the polls are approved and then stored.

It is also unclear what the Applicant means by determining an audience rating level. Since no support was found for determining in the specification, it is interpreted to mean that an audience rating is assigned. Furthermore, per Applicant's specification, the rating is assigned to the content of the website and not the website itself.

It is additionally unclear what the Applicant means by searching said archived polls. Since no support was found for searching said archived polls, it is interpreted to mean serving targeted polls.

26. Claim 16, 17, and 19-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16, 17, and 19-24 are not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the steps such as ex. claim 16: forming a question, claim 17:

seeking and obtaining approval, claim 19: searching for matching terms, claim 20: defining said matching terms, claims 21 and 22: embedding a new reference link, claim 23: positioning selected polls, and claim 24: refreshing Webpage and providing results) executed by various functions.

Additionally, claim 17 is indefinite, since it is unclear what the Applicant means by said archiving function further comprises seeking and obtaining approval to archive based on an audience rating of each of said new polls. Specifically, since archiving was not found in the specification, archiving is interpreted to mean storing. It is unclear what the Applicant means by said archiving (i.e. storing) step further comprises seeking and obtaining approval to archive (i.e. store) based on said audience rating of each of said polls. This is indefinite, since how can storing, which is a step, further comprise seeking and obtaining approval, which are additional steps. For example, in approving something, you may answer the question Yes, it's approved or No, it's not approved, so it is unclear how can storing be comprised of approving. It is interpreted to mean that you seek and obtain approval, and then you store the polls.

Additionally, claim 20 is indefinite, since it is unclear what the Applicant means by said searching function further comprises defining said matching terms. This is indefinite, since how can searching, which is a step, further comprise defining said matching terms, which is an additional step. It is interpreted to mean that you first define said matching terms and then you search those terms.

27. *Claim 25 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 25 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the step of establishing an audience rating by selection from a group).

28. *Claim 26 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 26 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the steps of building a new profile for a user).

Additionally, claim 26 is indefinite, since it recites "wherein said further including;" and it is unclear what this is referring to.

29. *Claim 28 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 28 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the step

of archiving said new profile in said first database) executed by the building function.

Additionally, claim 28 is indefinite, since it is unclear what is meant by archiving said new profile, and it is interpreted to mean store new profile.

30. *Claim 29 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 29 is indefinite, since it is unclear what the Applicant means by archiving said polls. Since archiving was not found in the specification, archiving is interpreted to mean storing. It is also unclear what the Applicant means by said archiving (i.e. storing) step further comprises seeking and obtaining approval to archive (i.e. store) based on said audience rating of each of said polls. This is indefinite, since how can storing, which is a step, further comprise seeking and obtaining approval, which are additional steps. For example, in approving something, you may answer the question Yes, it's approved or No, it's not approved, so it is unclear how can storing be comprised of approving. It is interpreted to mean that you seek and obtain approval, and then you store the polls.

It is additionally unclear what the Applicant means by searching said archived polls. Since no support was found for searching said archived polls, it is interpreted to mean serving targeted polls.

31. *Claim 30 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 30 is indefinite, since the recitation that "the method further comprising includes selecting polls," is unclear. It is interpreted to mean that the method further comprises selecting polls.

32. *Claim 31 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 31 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (ex. claim 31: system comprising an application server and a web server), but subsequently the claims then deal with the specifics of a method (the steps) executed by the administrative processor means.

Additionally, claim 31 is indefinite, since it is unclear what the Applicant means by archiving said new polls in said first database. Since archiving was not found in the specification, archiving is interpreted to mean storing. It is also unclear what the Applicant means by said archiving (i.e. storing) step further comprises seeking and obtaining approval to archive (i.e. store) based on said audience rating of each of said polls. This is indefinite, since how can storing, which is a step, further comprise seeking and obtaining approval, which are additional steps. For example, in approving something, you may answer the question Yes, it's approved or No, it's not approved, so it is unclear how can storing be comprised of approving. It is interpreted to mean that you seek and obtain approval, and then you store the polls.

It is also unclear what the Applicant means by determining an audience rating level. Since no support was found for determining in the specification, it is interpreted to mean that an audience rating is assigned. Furthermore, per Applicant's specification, the rating is assigned to the content of the website and not the website itself.

It is additionally unclear what the Applicant means by searching said archived polls. Since no support was found for searching said archived polls, it is interpreted to mean serving targeted polls.

33. *Claim 32 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.*

Claim 32 is not sufficiently precise due to the combining of two separate statutory classes of invention in a single claim. The claims begin by discussing a system (the system), but subsequently the claims then deal with the specifics of a method (the steps of building a new profile for a user).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

34. Claims 1-3, 5-9, 11-17, 19-23, 25, 26, and 28-36 are rejected under 102(e) as being anticipated by Hamlin et al (6,477,504 hereinafter Hamlin).

In reference to claim 1, Hamlin discloses a method of providing remote users with a centralized polling environment, comprising the steps of: creating polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning an audience rating to said polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); *storing* said polls in a storage area (col. 11 lines 12-26); *assigning* an audience rating level to *the content of* an affiliated website (col. 11 lines 59 to col. 12 lines 7 and col. 12 lines 64-66); *serving* said *stored* polls to provide a selected set of said polls, wherein said *serving* further comprises selecting polls that are more relevant to a user based on that user's responses to previous polls (col. 12 lines 18-29 and col. 12 lines 51 to col. 13 lines 2) and that do not exceed said audience rating level of said affiliated website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page of said affiliated website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing profile for said user based on said interaction (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

35. In reference to claim 3, Hamlin discloses the method of seeking and obtaining approval and storing polls (col. 11 lines 1-27).

36. In reference to claims 2 and 16, Hamlin discloses the method wherein said creating step further comprises forming a question and a plurality of possible answer choices for each of said polls (col. 7 lines 29 to col. 9 lines 35 and Figures 3 and 4).

37. In reference to claims 5 and 19, Hamlin discloses the method wherein said searching step further comprises searching for matching terms within poll content descriptors associated with respective ones of said archived polls (col. 12 lines 18-29 and 51-63).

38. In reference to claims 6 and 20, Hamlin implicitly discloses searching function comprises defining said matching terms according to a marketing campaign (col. 9 lines 36-53 and col. 12 lines 18-29 and 51-63).

39. In reference to claims 7 and 21, Hamlin discloses the method wherein said placing step further comprises embedding a new reference link with said web page (i.e. a banner ad hyperlink is presented on the web page) (col. 12 lines 8-50).

40. In reference to claims 8 and 22, Hamlin discloses embedding a new reference link written in JavaScript (col. 6 lines 26-37).

41. In reference to claims 9 and 23, Hamlin discloses positioning said selected poll in a predefined area of said webpage (i.e. poll is positioned as link from a banner ad on a webpage) (col. 6 lines 26-37 and col. 12 lines 30-44).

42. In reference to claims 12, 26, and 32, Hamlin discloses the method further including: building a new profile for said user when said user is not associated with an existing profile (i.e. data is collected and stored about a user) (col. 12 lines 51-55).

43. In reference to claims 13 and 27, Hamlin discloses the method wherein, the user is associated with said existing profile via a cookie embedded on a user computer (col. 12 lines 18-29 and col. 13 lines 18-34).

44. In reference to claims 14 and 28, Hamlin discloses the method wherein, said building step further comprises archiving said new profile in said storage area (i.e. information about a user is stored) (col. 12 lines 18-29 and col. 13 lines 18-34).

45. In reference to claim 15, Hamlin teaches a computer-implemented system for delivering information to users, comprising: an application server connected to a network (col. 3 lines 34 to col. 5 lines 27 and Figure 1), said application server coupled to a first database comprising an archive of polls (col. 11 lines 51 to col. 12 lines 63), said application server being responsive to requests from a user computer of said network for particular polls from said first database (col. 11 lines 51 to col. 12 lines 63); a Web server connected to said network and hosting a website said website having a *content* audience rating level (Figure 1), said Web server being responsive to request messages from a user computer for a particular Web page from said website and to thereby deliver said particular Web page to said user computer (col. 12 lines 18-29), said particular Web page containing a reference link to polls archived said first database (col. 11 lines 51 to col. 12 lines 63 and Figures 1 and 2); and an administrative processor coupled to said application server, said administrator processor executing instructions to provide the functions of: creating new polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); rating (col. 9 lines 36-53); assigning an audience rating to said new polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); *storing* said new

polls in said first database (col. 11 lines 12-50); *serving* said *stored* polls based on predefined *serving* criteria to provide a selected set of said polls, wherein said *serving* further comprises selecting polls that are more relevant to a user based on that user's responses to previous polls (col. 12 lines 18-29 and col. 12 lines 51 to col. 13 lines 2) and that do not exceed said audience rating level of *the content on* said website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page from said website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing profile for one said user based on said interaction with said one of selected polls (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

46. *In reference to claim 17, Hamlin discloses the stem wherein said storing function further comprises seeking and obtaining approval and storing polls (col. 11 lines 1-27).*

47. In reference to claim 29, Hamlin discloses a method of providing remote users with a centralized polling environment, comprising the steps of: creating polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning an audience rating to said polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); *storing* said polls in a storage area (col. 11 lines 12-50); *serving* said *stored* polls to provide a selected set of said poll placing one of said selected polls in a Web page (col. 12 lines 18-29, col. 12 lines 18-29, and col. 12 lines 51 to col. 13 lines 2); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing user profile of said user based on said

interaction (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

48. In reference to claim 30, Hamlin discloses a method wherein searching step further includes selecting polls that do not exceed an audience rating level of a website hosting said Web page (col. 11 lines 59 to col. 12 lines 7).

49. In reference to claim 31, Hamlin discloses a computer-implemented system for delivering information to users, comprising: an application server connected to a network (col. 3 lines 34 to col. 5 lines 27 and Figure 1), said application server coupled to a first database comprising an archive of polls (col. 11 lines 51 to col. 12 lines 63), said application server being responsive to requests from a user computer of said network for particular polls from said first database (col. 11 lines 51 to col. 12 lines 63); a Web server connected to said network and hosting a website said website having a *content* audience rating level (Figure 1), said Web server being responsive to request messages from a user computer for a particular Web page from said website and to thereby deliver said particular Web page to said user computer (col. 12 lines 18-29), said particular Web page containing a reference link to polls *stored in* said first database (col. 11 lines 51 to col. 12 lines 63 and Figures 1 and 2); and an administrative processor coupled to said application server, said administrator processor executing instructions to provide the functions of: creating new polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning an audience rating to said polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); *storing* said new polls in said first database (col. 11 lines 12-50) *wherein storing function further comprises seeking and obtaining*

approval and storing polls (col. 11 lines 1-27); assigning an audience rating level to the content of said website (col. 11 lines 59 to col. 12 lines 7 and col. 12 lines 64-66); serving said archived polls based on predefined serving criteria to provide a selected set of said polls and that do not exceed said audience rating level of the content of said website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page from said website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing profile for said user based on said interaction with said one of selected polls (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

50. *Claims 1-3, 5-9, 11-17, 19-23, 25, 26, and 28-36 are rejected under 102(e) as being anticipated by Hamlin in view of the Article titled "Ratings Debate Revs Up Critics say TV's attempt at self-regulation plan won't curb controversial show content," by Nancy McAlister, published in Florida Times Union on January 20, 1997 on page B.1 (hereinafter McAlister) and further in view of the Article titled "The Media Business; G.M.*

Sets Big Ad Pact With NBC," by Jeremy Gerard, published in The New York Times on May 1, 1990 on page D.1 (hereinafter Gerard).

In reference to claim 1, Hamlin discloses a method of providing remote users with a centralized polling environment, comprising the steps of: creating polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning an audience rating to said polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); storing said polls in a storage area (col. 11 lines 12-26); assigning an audience rating level to the content of an affiliated website (col. 11 lines 59 to col. 12 lines 7 and col. 12 lines 64-66); serving said stored polls to provide a selected set of said polls, wherein said serving further comprises selecting polls that are more relevant to a user based on that user's responses to previous polls (col. 12 lines 18-29 and col. 12 lines 51 to col. 13 lines 2) and that do not exceed said audience rating level of said affiliated website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page of said affiliated website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing profile for said user based on said interaction (i.e. creating profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34)

While Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7), Hamlin does not specifically teach rating the website content and the polls using an alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme

(page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would have been obvious to modify Hamlin to include the use of an alphabetical rating scheme, to conform with pre-existing rating schemes for easier adaptation by people who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls. McAlister does not specifically teach using these ratings to also rate advertisements to be shown during programming. Gerard teaches using program ratings to rate advertisements to be shown during the programming (page 1 paragraph 2 and page 2 paragraph 3). It would have been obvious to modify Hamlin to rate both the website content and the polls to ensure that targeted content is delivered to the appropriate audience.

51. *In reference to claim 3, Hamlin discloses the method of seeking and obtaining approval and storing polls (col. 11 lines 1-27).*

52. *In reference to claims 2 and 16, Hamlin discloses the method wherein said creating step further comprises forming a question and a plurality of possible answer choices for each of said polls (col. 7 lines 29 to col. 9 lines 35 and Figures 3 and 4).*

53. *In reference to claims 5 and 19, Hamlin discloses the method wherein said searching step further comprises searching for matching terms within poll content descriptors associated with respective ones of said archived polls (col. 12 lines 18-29 and 51-63).*

54. In reference to claims 6 and 20, Hamlin implicitly discloses searching function comprises defining said matching terms according to a marketing campaign (col. 9 lines 36-53 and col. 12 lines 18-29 and 51-63).

55. In reference to claims 7 and 21, Hamlin discloses the method wherein said placing step further comprises embedding a new reference link with said web page (i.e. a banner ad hyperlink is presented on the web page) (col. 12 lines 8-50).

56. In reference to claims 8 and 22, Hamlin discloses embedding a new reference link written in JavaScript (col. 6 lines 26-37).

57. In reference to claims 9 and 23, Hamlin discloses positioning said selected poll in a predefined area of said webpage (i.e. poll is positioned as link from a banner ad on a webpage) (col. 6 lines 26-37 and col. 12 lines 30-44).

58. In reference to claims 12, 26, and 32, Hamlin discloses the method further including: building a new profile for said user when said user is not associated with an existing profile (i.e. data is collected and stored about a user) (col. 12 lines 51-55).

59. In reference to claims 13 and 27, Hamlin discloses the method wherein, the user is associated with said existing profile via a cookie embedded on a user computer (col. 12 lines 18-29 and col. 13 lines 18-34).

60. In reference to claims 14 and 28, Hamlin discloses the method wherein, said building step further comprises archiving said new profile in said storage area (i.e. information about a user is stored) (col. 12 lines 18-29 and col. 13 lines 18-34).

61. In reference to claim 15, Hamlin teaches a computer-implemented system for delivering information to users, comprising: an application server connected to a

network (col. 3 lines 34 to col. 5 lines 27 and Figure 1), said application server coupled to a first database comprising an archive of polls (col. 11 lines 51 to col. 12 lines 63), said application server being responsive to requests from a user computer of said network for particular polls from said first database (col. 11 lines 51 to col. 12 lines 63); a Web server connected to said network and hosting a website said website having a content audience rating level (Figure 1), said Web server being responsive to request messages from a user computer for a particular Web page from said website and to thereby deliver said particular Web page to said user computer (col. 12 lines 18-29), said particular Web page containing a reference link to polls archived said first database (col. 11 lines 51 to col. 12 lines 63 and Figures 1 and 2); and an administrative processor coupled to said application server, said administrator processor executing instructions to provide the functions of: creating new polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); rating (col. 9 lines 36-53); assigning an audience rating to said new polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); storing said new polls in said first database (col. 11 lines 12-50); serving said stored polls based on predefined serving criteria to provide a selected set of said polls, wherein said serving further comprises selecting polls that are more relevant to a user based on that user's responses to previous polls (col. 12 lines 18-29 and col. 12 lines 51 to col. 13 lines 2) and that do not exceed said audience rating level of the content on said website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page from said website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2);

and updating an existing profile for one said user based on said interaction with said one of selected polls (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7), Hamlin does not specifically teach rating the website content and the polls using an alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme (page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would have been obvious to modify Hamlin to include the use of an alphabetical rating scheme, to conform with pre-existing rating schemes for easier adaptation by people who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls. McAlister does not specifically teach using these ratings to also rate advertisements to be shown during programming. Gerard teaches using program ratings to rate advertisements to be shown during the programming (page 1 paragraph 2 and page 2 paragraph 3). It would have been obvious to modify Hamlin to rate both the website content and the polls to ensure that targeted content is delivered to the appropriate audience.

62. *In reference to claim 17, Hamlin discloses the stem wherein said storing function further comprises seeking and obtaining approval and storing polls (col. 11 lines 1-27).*

63. *In reference to claim 29, Hamlin discloses a method of providing remote users with a centralized polling environment, comprising the steps of: creating polls (col. 6,*

lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning an audience rating to said polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); storing said polls in a storage area (col. 11 lines 12-50); serving said stored polls to provide a selected set of said poll placing one of said selected polls in a Web page (col. 12 lines 18-29, col. 12 lines 18-29, and col. 12 lines 51 to col. 13 lines 2); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing user profile of said user based on said interaction (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7), Hamlin does not specifically teach rating the website content and the polls using an alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme (page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would have been obvious to modify Hamlin to include the use of an alphabetical rating scheme, to conform with pre-existing rating schemes for easier adaptation by people who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls. McAlister does not specifically teach using these ratings to also rate advertisements to be shown during programming. Gerard teaches using program ratings to rate advertisements to be shown during the programming (page 1 paragraph 2 and page 2 paragraph 3). It would have been obvious to modify Hamlin to rate both the website

content and the polls to ensure that targeted content is delivered to the appropriate audience.

64. *In reference to claim 30, Hamlin discloses a method wherein searching step further includes selecting polls that do not exceed an audience rating level of a website hosting said Web page (col. 11 lines 59 to col. 12 lines 7).*

65. *In reference to claim 31, Hamlin discloses a computer-implemented system for delivering information to users, comprising: an application server connected to a network (col. 3 lines 34 to col. 5 lines 27 and Figure 1), said application server coupled to a first database comprising an archive of polls (col. 11 lines 51 to col. 12 lines 63), said application server being responsive to requests from a user computer of said network for particular polls from said first database (col. 11 lines 51 to col. 12 lines 63); a Web server connected to said network and hosting a website said website having a content audience rating level (Figure 1), said Web server being responsive to request messages from a user computer for a particular Web page from said website and to thereby deliver said particular Web page to said user computer (col. 12 lines 18-29), said particular Web page containing a reference link to polls stored in said first database (col. 11 lines 51 to col. 12 lines 63 and Figures 1 and 2); and an administrative processor coupled to said application server, said administrator processor executing instructions to provide the functions of: creating new polls (col. 6, lines 38 to col. 9 lines 35 and Figure 2B and 3-5); assigning an audience rating to said polls (col. 9 lines 36 to col. 10 lines 8 and Figures 2B and 5); storing said new polls in said first database (col. 11 lines 12-50) wherein storing function further comprises seeking and obtaining*

approval and storing polls (col. 11 lines 1-27); assigning an audience rating level to the content of said website (col. 11 lines 59 to col. 12 lines 7 and col. 12 lines 64-66); serving said archived polls based on predefined serving criteria to provide a selected set of said polls and that do not exceed said audience rating level of the content of said website (col. 11 lines 59 to col. 12 lines 7); placing one of said selected polls in a Web page from said website (col. 12 lines 18-29); delivering said Web page to permit user viewing and interaction with said one of selected polls in real time (col. 12 lines 18 to col. 13 lines 2); and updating an existing profile for said user based on said interaction with said one of selected polls (i.e. creating a profile and updating information to indicate a user has already completed a survey) (col. 12 lines 51-63 and col. 13 lines 21-34).

While Hamlin teaches rating the websites and the polls using a numerical scheme, i.e. targeted to for kids ages 13-18 years (col. 11 lines 51 to col. 12 lines 7), Hamlin does not specifically teach rating the website content and the polls using an alphabetical rating scheme. McAlister teaches using an alphabetical rating scheme (page 2 paragraphs 8 and 9 and page 3 paragraphs 9-15) by TV networks. It would have been obvious to modify Hamlin to include the use of an alphabetical rating scheme, to conform with pre-existing rating schemes for easier adaptation by people who are already used to understanding an alphabetical rating scheme.

Hamlin does not specifically teach rating both the website content and the polls. McAlister does not specifically teach using these ratings to also rate advertisements to be shown during programming. Gerard teaches using program ratings to rate

advertisements to be shown during the programming (page 1 paragraph 2 and page 2 paragraph 3). It would have been obvious to modify Hamlin to rate both the website content and the polls to ensure that targeted content is delivered to the appropriate audience.

66. Claims 10, 24, 37, and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Boe et al. Patent Number 6,236,975 (hereinafter Boe).

In reference to claims 10 and 24, Hamlin does not teach the method wherein said delivering step further comprises refreshing said Web page and providing results of said one of selected polls within said Web page. Boe teaches refreshing the webpage (see at least col. 10 lines 23-50; col. 12 lines 3-11; col. 14 lines 39-41) and providing results of said one of selected polls within said a webpage (Figs. 4e and associated text; col. 11 line 50 to col. 12 line 11; col. 14 lines 39-41). It would have been obvious to modify Hamlin to include refreshing said Web page and providing the results of said one of the selected polls within said Web page as taught by Boe, in order to provide the results of the polls instantly to users in real-time and make the polling more interesting and interactive and thereby motivate future participation in other polls by the same users.

67. In reference to claim 37, Hamlin does not teach the method further comprising selecting advertising content based on said existing profile, associating the advertisement with a second one of said selected polls, placing the second one of said selected polls and the associated advertisement in a Web page, and delivering the Web page to permit user viewing advertisement and interaction with the second poll and the

associated advertisement. Boe teaches the method further comprising selecting advertising content based on said existing profile, associating the advertisement with a second one of said selected polls, placing the second one of said selected polls and the associated advertisement in a Web page, and delivering the Web page to permit user viewing advertisement and interaction with the second poll and the associated advertisement (col. 6 lines 47 to col. 7 lines 8 and Fig. 4b and 4d and associated text). It would have been obvious to modify Hamlin to include advertising content based on an existing profile and attaching the advertising content with the second poll to enable the administrator to increase revenues from the poll and from the accompanying advertisement while presenting the user taking the poll with advertisement that is relevant. Furthermore, it would be obvious to include the advertisement with a second poll, since more than one poll may be administered based on the results of the first poll to capture more in depth information from the users that the advertisers want to target.

68. In reference to claim 38, Hamlin does not teach the method further comprising updating the said existing profile based on the interaction with the second poll (col. 6 lines 58 to col. 7 lines 8). Boe teaches the method further comprising updating the said existing profile based on the interaction with the second poll (col. 6 lines 58 to col. 7 lines 8). It would have been obvious to modify Hamlin to include updating the said existing profile based on the interaction with the second poll, since Hamlin already updates the profile based on a given poll, and updating the profile based on the second poll would lead to more accurate profile of the user that will be more valuable to the polling parties.

69. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin in view of Official Notice.

In reference to claim 11, Hamlin does not disclose the method wherein said building audience rating is an established audience rating selected from the group consistent of general audience (G), parental guidance suggested for those 13 years of age or younger (PG- 13), and restricted for those under 17 years of age (R). However, Official Notice is taken that using an MPAA rating for rating contents is well known as done for rating movies so that parents and adults can know the rating of the content of the movies before watching the movie and decide if it is appropriate for them to see it. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use this type of a rating scale in the polls generated in Hamlin in order to enable the user to know the rating of the content of the polls without taking the actual poll and thereby giving the user an opportunity to decide if he is interested in given a particular poll. Furthermore, since the MPAA rating scheme is well known and recognized, a user will not need a lot of information about the rating scale if it is used to rate polls, since the user will already be familiar with this rating scale from having seen movies.

Response to Arguments

70. After careful review of Applicant's remarks/arguments filed on 05/16/2007, the Applicant's arguments with respect to claims 1-3, 5-17, 19-26, 28-32, and 37-38 have been fully considered but are moot in view of the new ground(s) of rejection. Amendments to the claims have both been entered and considered.

71. The restriction for claims 33-36 is maintained. Specifically, the invention claimed in claims 33-36 has separate utility such as selecting a first poll for placement in a web page corresponding to a first affiliate, based on the identity of said first affiliate and first user requesting the page, delivering the poll to the first affiliate to permit viewing and interaction in real time by first user and to the second user, updating the profile for said first user and the second user based on the interaction, wherein first customer and first affiliate are different, which does not involve searching the archived poll by selecting polls that are more relevant to a user based on the user responses to previous polls, building a user profile based on said interaction, and having a single user instead of two users that is claimed in the invention claimed in claims 1, 3, 11-15, 17, 25-26, 28-32, and 37-30.

Applicant's election with traverse of claims 33-36 in the reply filed on is acknowledged. The traversal is on the ground(s) that the two groups are obvious variants of each other and do not pose a serious burden on the Examiner. This is not found to be persuasive because the two groups of claims are different in scope. For example, claim 1 starts out by creating a poll and assigning a rating to it and selecting polls based on user's previous responses and a rating of the affiliate website. On the other hand, claim 33 starts out by receiving a poll created by a user and selecting polls based the identity of an affiliate and the identity of the user. Therefore, the independent claims of group I are different in scope than the claims of group II, and they would require the Examiner to do another search. The requirement is still deemed proper and is therefore made FINAL.

72. Applicant argues that Hamlin does not teach determining an audience rating level of an affiliated website. With reference to this limitation, first of all the Applicant's own invention teaches assigning an audience rating level and not determining a rating level. Secondly, Applicant's specification recites assigning the content on the website a rating by the affiliates (page 17 lines 25-29). Hamlin teaches assigning a content rating on the website (i.e. portions of the Yahoo site are rated for kids 13-18 years of age) (col. 11 lines 64 to col. 12 lines 7).

73. Applicant argues that his invention is broader than Hamlin, since PG rated polls can be delivered to all websites that a PG rating or above and not just to websites with a PG rating. Even if this is the case, the Applicant has never claimed this limitation. Applicant's claim 1 recites selecting polls based on user's responses to previous polls and that do not exceed said audience rating level of said affiliated website. Hamlin clearly meets this limitation, since the polls do not exceed the audience rating of the website, and are in fact an exact match for the rating of the website since both the survey and the section of the website are for kids ages 13-18 (col. 11 lines 51 to col. 12 lines 7).

74. Applicant argues that Hamlin fails to teach or suggest archiving the polls in a storage area based on the audience rating of the poll. With reference to this limitation, Applicant's specification only teaches approving the polls and storing the polls, and Hamlin teaches approving and storing polls (col. 11 lines 1-27).

75. Applicant argues that Hamlin does not recite any approval step based on the rating of the poll. With reference to this, the Applicant's specification on (page 15 lines

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13-22) it is recited that the poll is approved when it is ensured that the content is appropriate and categorized correctly. There is no mention of the poll being approved based on the rating of the poll. Hamlin teaches approving and storing polls (col. 11 lined 11-27).

76. Applicant's arguments with respect to claim 33 and based on claim 33 are not considered, since that was not an elected claim.

77. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).



N.B.

August 6th, 2007

